

PLANNING BOARD MINUTES
NOVEMBER 28, 2018

Present: Chairman Stephen Garvin, John Hincks, Charles Karustis, Nancy Kilcoyne, Justin Finnicum, and Beth Suedmeyer (Acting Director Planning and Community Development/Environmental Planner).

Absent: Vice-Chair Peter Abair

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall.

Public Hearing –Stormwater Management – 10 Kato Summit Drive, (Assessor’s Map J10-0612)

Present: Nicholas Fonte, Owner; Vito Colonna, PE - Sullivan, Connors & Associates; Ryan Macomber, Landscape Architect, Natural Stone Wall Solutions.

Mr. Colonna explained that the Board previously approved the Stormwater Management application for the existing house, which included a rain garden and a dry well. He added that this Stormwater Management application was submitted because a swimming pool, patio, and cabana are being constructed at the site. Mr. Colonna detailed that the owner wants to regrade the backyard to include retaining walls; thus eliminating the rain garden and implementing a subsurface infiltration system, with a chamber system.

Mr. Colonna stated that he responded to the peer reviewer from Horsley-Witten. Ms. Suedmeyer stated that the original submittal from the Applicant, the first Horsley Witten peer review, and the Mr. Colonna’s response to the peer review were in the meeting packet. There has not been a second response from Horsley Witten.

Ms. Suedmeyer stated that she had been out to the site when the construction of the home was completed, and an “as built” plan was provided at that time. She would provide the Board this plan at the next Board meeting, as it represents the existing condition. She assured the Board steps were taken to ensure that the slopes were stabilized during the interim period before this application and additional work occurred on the property.

Ms. Suedmeyer noted several areas that Horsley-Witten included in their peer-review:

*Retention and addition of trees/vegetation on the site.

*Modification of the discharge in proximity to the lot line; suggesting that less significant impacts at the back section of the lot, was preferable.

*Utilization of porous pavers for the area around the proposed pool.

Ms. Suedmeyer detailed the Board had previously stressed the importance of the buffer being maintained or increased at the property line and grading not continue to the lot line. She added that there was no landscape plan with this application and more landscaping detail was needed, as well as a summary of cut and fill on the site in consideration of a significant amount of grading to take place.

Ms. Suedmeyer stated that Vice-Chair Abair in a communication had suggested additional low impact practices would be beneficial; possibly utilizing porous pavers, and to consider additional mitigation or a way to avoid the oversizing of the infiltration area at the property line, and have other infiltration included in other areas of the property. Chairman Garvin stated that Vice-Chair Abair suggested going back to the initial application, where there was overbuild of the driveway with the cul-de-sac being built and spoke of some funding being given to the Town. The original developer had constructed the expanded driveway without approval. Chairman Garvin asked Mr. Colonna to contact that developer for further information. Mr. Colonna agreed to do so.

Mr. Karustis inquired about tree removal, and the extent of the clearing right to the property line. Mr. Colonna responded that the tree line created some curving to make the lot more useable. Mr. Karustis questioned the sloping at the site, and inquired about the down gradient. Mr. Colonna replied that the down grade goes into wooded area, owned by the Town, with no residential abutters. Mr. Karustis stated that clearing on steep slopes concerns him, because stabilization can become problematic. Mr. Colonna suggested that below the retaining walls, native seed mix could be planted, and stated that there were no trees owned by the applicant in that immediate area, so stabilization would not be an issue.

Mr. Fonte added that the few trees that he is planning to move, are pines with no leaves; and he would propose to plant several smaller trees as replacement. Chairman Garvin responded that the Board was looking for a landscape plan, depicting what is being removed, and what might be used as replacement; with size and species provided in the landscape plan. He stated that original stormwater management plan maintained the buffer at the lot line, and suggesting moving the proposed wall off a few feet, so that it is not constructed against the lot line, and could affect trees off the property line, on the Town land.

Ryan Macomber, landscape architect, stated that the wall could be rotated, and would provide somewhat more area, and the drainage mechanism in place now, would prevent more significant grade change. He added that the plan was to include more plantings on the upward side of the wall. Chairman Garvin agreed with the rotating of the wall, and suggested that the wall still be set a bit further away from the property line, to allow for the footings and everything else, not be excavated off the property line. Ryan maintained that the footing was going to stay entirely on the applicant's property, and his company builds the walls offsite, and depth of excavation is much less. Ryan said that the retaining wall provides the owner with more lawn.

Mr. Karustis asked how the dry well system was going to be installed on such a steep sloop. Mr. Colonna replied that a machine can get into the space, without issue; and the dry well would be installed before the wall.

Mr. Hincks questioned the new impervious surface by the proposed pool and patio, and queried about the increased size of the dry well access capacity, which is located on the other side of the property. Mr. Colonna asserted that it is not that much of an increase when viewing the whole site, and it would compensate for the elimination of the rain garden. Mr. Hincks suggested that there might be runoff from the patio area down to the neighbor, abutting to the south. Mr. Colonna stressed that runoff would not take place in that direction. Mr. Hincks responded that the runoff would go into the Town land. Mr. Colonna stated that before development, the runoff was going in that direction, and distributed across the line.

Mr. Hincks questioned if the original application, would have been approved by the Board, if all these requested aspects were presented, at that time. Chairman Garvin suggested examining the original Board approval, to determine if the approval spoke to this aspect.

Mr. Colonna stated that much of this addition is the pool, and more recharge would occur than before. Mr. Hincks confirmed that he was not against the proposal, and agreed with reviewing the original

approval, and to determine what was noted when the developer well exceeded the approved size of the driveway. Ms. Suedmeyer stated that she recalled that the original plan spoke of future location for a pool or patio, but did not recall if the decision spoke to that aspect. She thought that it might have dictated that porous pavement, or pavers, would be a condition for installing a pool or a patio. She said that she would check that.

Ms. Kilcoyne mentioned that her questions had already been addressed by other members.

Mr. Finnicum questioned if mitigation was provided, when the developer installed the larger driveway without approval, and wondered if that was the reason why the rain garden was installed. Mr. Colonna confirmed that the rain garden was increased. Mr. Finnicum recognized that the rain garden would now be going below grade, and said that he was concerned about the slope, and the infiltration system. Mr. Finnicum suggested that the infiltration be sited around the property (especially north, if there was benefit); rather than in one area. Mr. Colonna referred to the plan when explaining why the proposed area was best location for the infiltration system.

Chairman Garvin stressed that a provided landscape plan would be a main component, and suggested that low-impact development is always preferred. He suggested that the rain gardens could be reappointed around the site, which would not affect the proposed new space, and would add value to stormwater treatment. He went on to depict where the rain garden system (kettle approach) would be helpful, with additional plantings with LID features; as well as the underground. He also stated that he would want to see the analysis related to the consideration of the 100 year storm.

Chairman Garvin said that the hearing would be continued after receiving the material from Horsley-Witten, with submission deadline being December 5th, for the meeting on December 12th.

It was on motion unanimously

VOTED: To continue the Public Hearing – Stormwater Management – 10 Kato Summit Drive, (Assessor's Map J10-0612) to December 12, 2018.

Immediately Continued Public Hearing – Site Plan & Stormwater Management – 8 Stone Road, (Assessor's Map K06-0303)

It was on motion unanimously

VOTED: To Continue Public Hearing – Site Plan & Stormwater Management – 8 Stone Road, (Assessor's Map K06-0303)

Immediately Continued Public Hearing – Definitive Subdivision, Stormwater Management, & Scenic Road Application – Powers Road, (Assessor's Map B09-0001)

It was on motion unanimously

VOTED: To Continue Public Hearing – Definitive Subdivision, Stormwater Management, & Scenic Road Application – Powers Road, (Assessor's Map B09-0001)

Discussion – Zoning Changes for Melone Property

Ms. Suedmeyer stated that the negotiation team was still doing some final tweaks, and Town Zoning Consultant, Judy Barrett, submitted a revised version of Article 2, the 40R – Smart Growth Overlay District zoning (SGOD), and Town Counsel and the negotiating group are still working with it. She added that some of that work involved updating terminology for DHCD (Mass. Department of Housing and Community Development). Chairman Garvin added that the discussions and review are now, mostly

legalize, and editing for the preferable DHCD language, in reference to the appropriate statutes. He added that the SGOD needed to be approved by DHCD, and stated that the Town's consultant, Judy Barrett, works with DHCD extensively, and has great insight about this specialty.

Mr. Hincks asked if the SGOD is in the purview of the Planning Board, or that of ZBA. Chairman Garvin replied that it is actually in the Boards purview; and the 40R aspect is still unknown, and added that submission of a proposed 40R application cannot be submitted until the end of each month. He affirmed, that being the schedule, this application could not be submitted until Friday; which was the reason for the date of the hearing. Chairman Garvin detailed that the application would be approved by the Planning Board, and then submitted to DHCD. He added that DHCD has to approve what is written, before the Town can bring an article before Town Meeting. He stressed that it might not be approved in time for Town Meeting; and added, in that event, the Article could be indefinitely postponed.

Chairman Garvin stated that in discussion at the Melone Forum yesterday, if the 40R application is not approved by DHCD, a LIP, or a friendly 40B plan could be instituted; and then that 40B would go before ZBA, as a comprehensive permit. He explained that if the 40R is approved, it then gets submitted to the Planning Board, and ZBA reviews it and provides advisory comments to the Planning Board; who is the permitting body.

Chairman Garvin stated that there are benefits to the developer and the Town if the 40R is approved; namely that the Town could receive half a million dollars of funding.

Further discussion took place regarding the 40B process and the 40R process.

Ms. Suedmeyer referred to the Master Plan handout, which depicted the 40R Smart Growth District area (a much smaller area than the whole Melone property). Chairman Garvin stated that any new proposed 40R project, has the zoning in place; but would have to get both Town approval, and state approval. He emphasized that the proposed zoning; was for the Melone site only; but would set the groundwork for any other developer.

Ms. Suedmeyer also noted on the Master Plan document, that the site plan, had two minor revisions; but they were not included on the plan; not highlighting the 40R area. She detailed that the two revisions involved the gazebo removal at Northwoods side, and an addition of an emergency access road, through the water district property.

Ms. Suedmeyer mentioned that on the site plan, the 100' buffer zone is delineated along North Road, but the buffer on the Northwoods side of the property, is not demarcated on the plan, and should be. Chairman Garvin agreed.

Chairman Garvin began the Board review of the NRROD, and suggestions for edit were brought up including:

4710A – Purpose. Addition in last sentence to read: “(d) diversify and expand the Town’s economy and local job opportunities through economic activity and private investment in primarily residential uses with limited commercial use.” Chairman Garvin stated that there needed to be emphasis on residential use, and the Board agreed.

4741A – Master Development Plan Requirements. After some discussion, the Board agreed with the language of: “a. A plan of existing conditions showing the area of land proposed to be developed under Section 4700A, including topography and the location of existing roadways, buildings, other site improvements, and wetlands resource and other jurisdictional areas.” Chairman Garvin stated that the intent was to capture aspects that are going to be limiting for the property.

4742A – Final Plan Approval, section g. The Board agreed to the language of “g. Certified list of abutters within 300 feet of the NRROD Project Parcel(s).

4744A – Planning Board Decision, section a. The Board agreed to the elimination of the language including “Town Meeting,” so that section a read: “After public hearing has been held with notice to interested parties pursuant to G.L., c. 40A, sec.5, the Planning Board shall approve the Master Development plan, if it finds that the final plans and materials 9i) materially conform to the Master Development Plan...” Chairman Garvin pointed out that the Master Development Plan was not approved at Town Meeting, but subsequent to Town Meeting, and the edit supported that.

4751A – Minor Modification - sections a. and d. Here Chairman Garvin questioned adding something about an ancillary building, as exemplified by National Development when they requested an irrigation well building/shed at Meadow Walk. Mr. Hincks agreed that something such as this would likely come up with any sizable development, like Quarry North. Chairman Garvin stated that this addition, would provide some wiggle room, without going through a new application process.

Ms. Kilcoyne questioned the parking aspect modification; the 5% allowable parking space number change, and she wanted to know where that percentage was derived. Ms. Suedmeyer stated that the 5% allocation followed the MUOD. After further group discussion, recommendation from Ms. Kilcoyne prompted the Board to amend 4751 – section b, with language that read: “in residential square footage, if used for residential purposes, or 20% for commercial purposes,” and agreed upon language for 4751A, section a. reading “Do not involve the construction of an additional building not included in the approved Master Development Plan, with the exception of ancillary building not exceeding xx square feet (for an ancillary building) at the discretion of the Planning Board.

4771A – Permitted Principal Uses, section 2. (a). Ms. Kilcoyne stated that in her experience, assisted living communities did not house medical offices, or doctors, and asked if the uses between assisted living communities and skilled nursing and memory care could be distinguished. Mr. Hincks agreed with the concerns of Ms. Kilcoyne, that a medical office and treatment center, might suggest something much bigger; such as a clinic, with patients coming from outside the development to be treated. Chairman Garvin suggested adding the language “solely for residents,” at the end of 4771, section 2.(a), for clarity purposes.

4780A – Dimensional Standards and Requirements. Chairman Garvin recommended that this section add the requirement for 75 foot set back abutting Northwoods, with the suggestion of adding a section H or I, for further clarification, with included areas of: landscaping, lighting, and all items that the Board wants to include.

Mr. Finnicum asked if there could be any sustainability conditions that could have impact, such as, a percentage of renewable energy, and community availability to parking for walking trail access. Mr. Karustis stated that he very much favored solar paneling, and recognized that the Quarry North development would generate much electricity usage; adding that the community/town would benefit for available access to the trails.

Chairman Garvin stated that the developer would be forced to meet the STRETCH code, and that the building permitting would enforce those aspects. Mr. Finnicum defined the STRETCH code as high efficiency construction; including insulation, efficient windows and mechanics.

Mr. Hincks explained that one of the goals of the new Master Plan, is to articulate the need for more sustainability in Sudbury. He did caution that the process in this particular development would be different, because the Town agreed with the developer on a plan, and is building zoning around that plan, somewhat. Mr. Hincks emphasized that the Board could suggest and advocate for certain sustainable implementations. He added that if the overlay zoning were already in place, it would be a different story. Mr. Finnicum responded that there might be some cost-neutral recommendations that the Board could mention. Chairman Garvin was in agreement, and exemplified recharge auto stations could be strongly recommended; as well as roofs having the ability to accommodate solar paneling, at a later time.

Ms. Kilcoyne asked if a condo association would be formed at Quarry North. Chairman Garvin replied that there would be a condo association formed, since residents had to share with the expense of waste water monitoring/maintenance, snowplowing, landscaping, and stormwater management; among other things.

Discussion of MWRTA Transportation Grant Proposal and Potential Support Letter

Ms. Suedmeyer stated that she drafted a letter in support of the MWRTA Grant Proposal for the Board to approve and sign at this meeting. She added that the Transportation Committee had been meeting for the last three or four months and that Dan Carty is the Chairman of that Committee. She explained that the Director of the MWRTA mentioned that they were proposing Sudbury public transit services through a Mass DOT program grant. She added that the Selectmen have already drafted such a letter of support and she said that she would be contacting Steve Senna from National Development to see if he might be interested in sending such a letter, as well.

Ms. Suedmeyer detailed that there are two proposals-- one is a fixed commuter route from Marlborough to the Riverside MBTA station, along Rte. 20; and the other proposal would be a shuttle service to offer connections from the Framingham commuter rail station.

Chairman Garvin mentioned that he had conversations with the Quarry North developer regarding proposed shuttle service at Quarry North, which would go from the development, to the Lincoln and Concord train stations, as well as, to Fairbank, Meadow Walk, and Sudbury retail locations. Ms. Suedmeyer added that the Board of Selectmen signed a detailed term sheet last night which included the transportation commitment for inclusion in the Development Agreement. The Board agreed that this measure could be an additional sustainable opportunity for Quarry North.

Master Plan Update and Steering Committee Member Selection Discussion

Regarding the appointment of Steering Committee members from various boards and committees, Ms. Suedmeyer stated that she prepared some key questions for consideration and documented the appointments that have been made to date. She added that the Board is still waiting to hear from the Sudbury Housing Authority, LSRHS School Committee, and Parks and Recreation Commission.

Ms. Suedmeyer stated that it was her hope that all of the Steering Committee members would be identified by the Board's December 12th meeting.

Ms. Suedmeyer told the Board that she spoke to the Town Manager today and confirmed the steps for formation of the Master Plan Steering Committee and appointing the members.

Chairman Garvin mentioned that the list did not include anyone from the Planning Board. Mr. Hincks stated that the Board members could participate on a revolving basis, but would not be voting. He added that sentiment was that a member of the Planning Board would be empowered with more influence than other members on the Steering Committee.

Mr. Hincks stated that the Board asked the Selectmen to appoint one representative, due to the effort of getting the Steering Committee to a manageable size. Mr. Hincks added that the Selectmen body, similar to the Planning Board participation, would have influence over the plan. Ms. Kilcoyne agreed with the idea of one appointed selectmen member.

Chairman Garvin asked Ms. Suedmeyer if Steering Committee meetings would be considered open meetings. Ms. Suedmeyer confirmed that they would, so the public could attend; such as with the Board of Selectmen, there could be a public comment period.

Ms. Suedmeyer added that the Historical Commission wanted to add an alternate member. Mr. Finnicum stated that alternates from other boards/committees; could be problematic, as continuity could be compromised. Mr. Hincks mentioned that the Permanent Building Committee was declining to appoint a member. Ms. Suedmeyer stated that she was reasonably sure that the other Committees who haven't yet made appointments would be appointing steering committee members.

Mr. Hincks stated that he strongly hoped that the LSRHS School Committee would be appointing a member, because there was previous Board discussion that a civic minded high school student might be interested in participation in some way, such as a civics project. Chairman Garvin remembered the Board having that discussion at a previous Board meeting, but cautioned that a member representing LSRHS could not be from Lincoln, and that there were more Lincoln members on that Committee than those from Sudbury. Ms. Suedmeyer stated that she would reach out to LSRHS, regarding this appointment, and assess what their thoughts were.

The discussion transitioned to the selection of the at-large members to be appointed by the Planning Board. Mr. Finnicum stated that there were many good candidates presented, and that he was in favor of appointing that fifth at-large candidate, who is very well qualified. Mr. Karustis said that he was fine with having five at-large members, instead of four, and more prospective is preferable over less perspective. Both Ms. Kilcoyne and Mr. Hincks, agreed that five at-large members would be preferable. Chairman Garvin stated that he was fine with having five members as well. Mr. Hincks stressed the quality of candidates.

It was on motion unanimously

VOTED: To approve appointment of five at-large members to the Master Plan Steering Committee.

Ms. Suedmeyer stated that she would proceed to notify the applicants chosen, and would make contact with the others, and inform them that there would be more opportunities for involvement in the Master Plan process.

Mr. Hincks reiterated that he would very much like to involve high school students in the process, as it would make for a great project. Ms. Suedmeyer stated that it would be likely that the Steering Committee would launch in January.

Ms. Suedmeyer asked the Board if they wanted her to respond to the Board of Selectmen, regarding the single member appointment to the Steering Committee. Chairman Garvin agreed and added that the Board would be happy to have several members come, provide input; but not vote, which is what the Planning Board membership will be doing.

Ms. Suedmeyer confirmed that the Planning Board could have one or two rotating members at each Steering Committee meeting without having a quorum. Chairman Garvin confirmed that plan. Ms. Suedmeyer added that she would present several examples of structures of steering committees, as a procedural guide; which the Board could consider at the next meeting.

Administrative Report

Ms. Kilcoyne asked if the Board was still planning to have a walk at Camp Sewataro. Ms. Suedmeyer stated that she would be sending out an e-mail to the Board by tomorrow, to confirm a date for that walk.

Ms. Suedmeyer announced that CPC will be starting their public hearings for the applications currently considered for fiscal year 2020, on Wednesday, December 5th, and continuing on the 19th.

A draft 2019 Planning Board meeting schedule was e-mailed to the Board, and Ms. Suedmeyer stated that the schedule suggested two options; one outlining that one meeting would be held in the months of July and August, and she noted that there may be possible issues with a meeting falling on the Wednesday before Thanksgiving. She added that Town Meeting is scheduled for Monday, May 6th; so meetings could be scheduled for the 15th and 29th of May, instead of the 8th and the 22nd. The Board agreed with one meeting in July, one meeting in August, and the 15th and 29th in May, and agreed that additional meetings, could be schedule, if the need arises.

Minutes for Approval

It was on motion unanimously. Ms. Kilcoyne abstained, due to absence.

VOTED: To approve the minutes of July 25, 2018.

Meeting Schedule – November 29, 2018 and December 12, 2018

Chairman Garvin announced that the public hearing for tomorrow evening, would address the Proposed Special Town Meeting Articles.

Chairman Garvin stated, that in consideration of negotiations, he informed the Sudbury Housing Authority, that the Board would push to go forward at Spring or Fall 2019 Town Meeting, for inclusionary housing, and including zoning for inclusionary housing. He added that the proposed inclusion plan would become part of the new Master Plan. He felt that this plan could generate about ten houses per year, and every other year have enough in funding, to build a new house.

Ms. Suedmeyer said that the solar bylaw was being discussed. Mr. Hincks stated that related topics would be included in the Master Plan conversations, allowing for solar planning; he stressed the importance of getting prepared for these accomplishments and make them priorities.

At 10:00 p.m., Chairman Garvin adjourned the meeting.